

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MICHAEL AVILES,

Plaintiff,

Civil Action No.:

NOTICE OF REMOVAL

v.

CONRAD CAVIN TILSON, CRETE
CARRIER CORPORATION, JOHN
DOE 1-10 (name being fictitious),
RON ROE 1-10 (name being fictitious),
and ABC CORP. 1~10 (name being
fictitious),

Defendant.

Petitioners, CONRAD CAVIN TILSON AND CRETE CARRIER CORP., referred herein as defendants in the above entitled action, by its attorneys, TRAUB LIEBERMAN STRAUS & SHREWSBERRY LLP, respectfully shows this Court:

1. The Petitioners are named defendant in the instant action.
2. This action was commenced by the filing of a Complaint in the Middlesex County Superior Court of New Jersey, on or about August 14, 2017. Annexed hereto as **Exhibit "A"** is a copy of this pleading.
3. Respondent/Plaintiff then filed an Amended Complaint in the Middlesex County Superior Court of New Jersey, on or about August 17, 2017. Annexed hereto as **Exhibit "B"** is a copy of this pleading.
4. Petitioners filed an Answer to Plaintiff's Complaint in the Middlesex County Superior Court on December 18, 2017. Annexed hereto as **Exhibit "C"** is a copy of Petitioner's Answer.

5. Respondent/Plaintiff in the above captioned matter claims to have sustained personal injuries on August 31, 2015. See, **Exhibit "A" and "B"**.

6. Respondent/Plaintiff alleges multiple injuries in the alleged accident, including, but not limited to, severe personal injuries, both temporary and permanent in nature, permanent consequential limitations of use of body organs and members, suffered significant limitations of use of body functions or systems, anguish and emotional distress, limited and restricted in normal activities and occupations and has and in the past and will in the future be caused to expend substantial sums of money for medical treatment. See, **Exhibit "A" and "B"**.

7. Petitioner did not receive a timely response from Respondent/Plaintiff to its Request for Statement of Damages and was therefore required to file a Motion to Compel the same on January 30, 2018. See, **Exhibit "D"**.

8. Respondent/Plaintiff seeks damages in excess of \$75,000, exclusive of interests and costs, in this matter. On February 1, 2018, Petitioner was finally served with Defendant's/Respondent's Demand for Damages of \$1,000,000.00. See, **Exhibit "E"**. Thus, removal is timely as provided by 28 U.S.C. §1446 (b).

9. This Court has original jurisdiction of this civil action pursuant to 28 USC §1332 because there is complete diversity in the matter and the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs.

10. Petitioner, CRETE CARRIER CORP., is incorporated in the State of Delaware and has its principal place of business in Nebraska.

11. Respondent/Plaintiff is a resident of the State of Tennessee.

12. There are no parties to this action which can be ascertained at this time who are believed to reside in New Jersey, other than plaintiff.

WHEREFORE, Petitioner prays that the instant action now pending before the Superior Court of New Jersey, Middlesex County, be removed therefrom to the United States District Court for the District of New Jersey and for such other and further relief as this Court deems just and proper.

Dated: February 9, 2018

TRAUB LIEBERMAN STRAUS &
SHREWSBERRY LLP

By: 

Gregory S. Pennington

Attorneys for Petitioners

322 Highway 35 South

Red Bank, New Jersey 07701